

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LIBERTY MUTUAL INSURANCE COMPANY,)	CIVIL ACTION
)	NO. 96-10804-DPW
)	NO. 1:04-CV-10674-DPW
Plaintiff,)	(Old Southington Landfill)
)	NO. 1:04-CV-10680-DPW
v.)	(Solvents Recovery Service)
)	
THE BLACK & DECKER CORPORATION,)	
BLACK & DECKER, INC., BLACK & DECKER)	
(U.S.) INC., EMHART CORPORATION, and)	
EMHART INDUSTRIES, INC.,)	
)	
Defendants.)	

AFFIDAVIT OF RICHARD E. BENNETT

Richard E. Bennett deposes and says:

1. I am a member of the bars of this Court and of the Commonwealth of Massachusetts. I am an attorney with Willcox, Pirozzolo & McCarthy, Professional Corporation, counsel for The Black & Decker Corporation, et als., in this action.

2. Exhibit 1 to Black & Decker's Opposition to Liberty Mutual Insurance Company's Supplemental Motions for Summary Judgment with respect to the Solvents Recovery Service Site and the Old Southington Landfill Site, filed herewith ("Opposition"), is a copy of an Agreement between Bailey Manufacturing Corporation and Emhart Corporation, dated December 27, 1994, regarding the SRSNE and OSL Superfund sites.

3. Exhibit 2 to the Opposition is copy of a document produced by Liberty Mutual in the course of this litigation at Bates # 848-16037, regarding "Claims Remarks," dated December 29, 1994.

4. Exhibit 3 to the Opposition is a copy of a letter to Linda Biagioni from John Rachwalski, dated June 22, 1992, and excerpts from the attachment thereto.

5. Exhibit 4 to the Opposition is an excerpt from a letter from Barry Malter to Thomas Kane, dated February 4, 1993.

6. Documents containing production numbers with the prefix "LM" were produced in discovery in this action by Liberty Mutual, and documents containing production numbers with the prefix "BD" were produced in discovery in this action by Black & Decker.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 24, 2004.

/s/ Richard E. Bennett
Richard E. Bennett